



1 forma pauperis on his appeal. (ECF No. 8.) This Motion is now before the Court.

2 28 U.S.C. § 1915 governs proceedings in forma pauperis. Section 1915(g) provides  
3 that “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner  
4 has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought  
5 an action or appeal in a court of the United States that was dismissed on the grounds that  
6 it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless  
7 the prisoner is under imminent danger of serious physical injury.”

8 Because Plaintiff is subject to Section 1915(g) and does not meet the imminent  
9 danger exception, Plaintiff is not entitled to proceed in forma pauperis on appeal. Fed. R.  
10 App. P. 24(a)(4)(C).

11 Based on the foregoing, it is HEREBY ORDERED that:

- 12 1. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is not entitled to proceed in forma  
13 pauperis on the appeal filed on August 11, 2011;
- 14 2. Pursuant to Federal Rule of Appellate Procedure 24(a)(4)(C), this Order  
15 serves as notice to the parties and the United States Court of Appeals for the  
16 Ninth Circuit of the finding that Plaintiff is not entitled to proceed in forma  
17 pauperis for this appeal; and
- 18 3. The Clerk of the Court shall serve a copy of this Order on Plaintiff and the  
19 United States Court of Appeals for the Ninth Circuit.

20  
21 IT IS SO ORDERED.

22 **Dated: August 23, 2011**

**/s/ Lawrence J. O'Neill**  
**UNITED STATES DISTRICT JUDGE**